

## REMARKS

Claims 1-21 are pending in the application.

Claims 1-21 are rejected.

Claims 10 and 16 are cancelled.

Claims 1, 7-9, 13-15, 17 and 20 are amended. New claims 22-28 are added. No new matter is added.

Reconsideration and allowance of claims 1-9, 11-15 and 17-28 is requested.

The present application is directed toward a pry tool and not a wrench. A wrench would be ineffective as a pry tool and if a wrench is used as a pry tool, the jaws of the wrench would deform rendering the wrench useless even as a wrench. As noted on page 4, lines 25-28, of the present application, the embodiments of the invention include elongated working portions 26 (see FIGS. 6 and 7).

Further, the present application discloses the working end 22 as being relatively planar in shape (see FIGS. 2-9). And, as noted on page 3, lines 12-13, and in FIG. 3, the working end 22 includes aperture 30 that is structured to receive projection 34 in a direction perpendicular to the plane of the planar working end 26.

Finally, at page 5, lines 14-23, the present application discloses using an extension on the handle of the pry tool.

**35 U.S.C. § 102**

Claims 1-3, 6-7, 9-10, 13, 15-17 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,568,442 to Carver ("Carver"). The rejections are respectfully traversed.

With respect to amended independent claim 1, the claim as amended recites a working end of the pry tool includes an elongated working portion. The Examiner identifies wrench 20 in Carver as being an elongated portion. Reference numeral 20 in FIGS. 2 and 4 of Carver is not an elongated working portion. Rather it is the neck of the wrench. And as explained above, a wrench is ineffective as a pry tool and would be damaged if used as a pry tool. Thus, Carver does not include each and every element of independent claim 1. Claim 1 is therefore believed to be allowable over Carver and allowance is respectfully requested.

Claims 2, 6 and 7 depend from independent claim 1 and for at least the same reasons are believed to be allowable over Carver and allowance is respectfully requested.

With respect to amended independent claim 9, this claim as amended also recites a working end of the pry tool including an elongated working portion. Again, Carver does not

disclose an elongated working end. Thus, independent claim 9 is believed to be allowable over Carver and allowance is respectfully requested.

Claims 10 and 13 depend from independent claim 9, and for at least the same reasons these claims are believed to be allowable over Carver and allowance is respectfully requested.

With respect to amended independent claim 15, the claim as amended recites locating an elongated working portion of the pry tool under an object to be pried. As explained above, Carver does not have an elongated working portion because Carver discloses a wrench and not a pry tool. Thus, independent claim 15 is believed to be allowable over Carver and allowance is respectfully requested.

Claims 17 and 21 depend from independent claim 15, and for at least the same reasons these claims are believed to be allowable over Carver and allowance is respectfully requested.

Claims 1-3, 5-7, 9-10, 12-13 and 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,931,063 to Kuo ("Kuo"). The rejections are respectfully traversed.

Similar to Carver, the Examiner identifies area 14 in Kuo as being an elongated portion. This identified portion is not an elongated working portion of a pry tool. Reference numeral 14 in Kuo identifies a receiving area of wrench head 10. As explained above, a wrench is ineffective as a pry tool and would end up damaged if used as a pry tool. Amended independent claims 1 and 9 recite a pry tool that includes an elongated working portion and amended independent claim 15 recites using an elongated working portion of a pry tool. Thus, Kuo fails to disclose each and every element of independent claims 1, 9 and 15. Therefore, these claims are believed to be allowable over Kuo and allowance is respectfully requested.

Claims 2 and 5-7 depend from independent claim 1. Claims 10 and 12-13 depend from independent claim 9. Claims 17-21 depend from independent claim 15. For at least the reasons given for the independent claims, these dependent claims are also believed to be allowable over Kuo and allowance is respectfully requested.

Claims 1-3, 5-7, 9-10, 12-13 and 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,996,448 to Suekage ("Suekage"). The rejections are respectfully traversed.

Similar to Carver and Kuo, the Examiner identifies reference numeral 31 in Suekage as being an elongated portion of a working end of a pry tool. This is incorrect. As discussed in column 3, lines 52-57 of Suekage, reference numeral 31 is a lower end of ratchet head 30 and not an elongated working portion of a pry tool.

As described above, amended independent claims 1, 9 and 15 all recite a pry tool with an elongated working portion. Suekage fails to disclose an elongated working portion of a pry tool. Therefore, independent claims 1, 9 and 15 are believed to be allowable over Suekage and allowance is respectfully requested.

Claims 2 and 5-7 depend from independent claim 1. Claims 10 and 12-13 depend from independent claim 9. Claims 17-21 depend from independent claim 15. For at least the reasons given for the independent claims, these dependent claims are also believed to be allowable over Suekage and allowance is respectfully requested.

Claims 1-3, 7-10, and 14-21 are rejected under 35 U.S.C. 102(2) as being anticipated by U.S. Patent No. 5,871,204 to Spirer ("Spirer"). The rejections are respectfully traversed.

Independent claim 1, as amended, recites the working end of the pry tool is relatively planar and the projection and receiver are structured to receive the projection in a direction perpendicular to a plane of the planar working end. As shown in FIG. 3 of the present application, the working end 22 is planar in shape and the projection 34 is received into the working end 22 in a direction perpendicular to the planar shape.

The working head 12 of Spirer in FIGS. 1-3 is not planar in shape because the head 12 includes hammer portion 52. And, even if working head 92 of FIGS 4-5 could be construed to be planar in shape (which the applicant does not concede) the projection of handle 30 is received parallel to such a plane and not perpendicular to a plane as recited in amended independent claims 1, 9 and 15. Thus, Spirer does not disclose each and every element of independent claim 1. Therefore, independent claim 1 is believed to be allowable over Spirer and allowance is respectfully requested.

Claims 2 and 7-8 depend from independent claim 1, and for at least the same reasons these claims are believed to be allowable over Spirer and allowance is respectfully requested.

With respect to amended independent claim 9, the claim is amended to incorporate claim 10 and, as amended, recites that the working end of the pry tool is relatively planar and the receiver is structured to receive the projection of the handle in a direction perpendicular to that of the planar working end, and not in a parallel direction as taught by Spirer.

As discussed above, head 12 of Spirer is not planar. And, even if head 12 could be construed to be planar, the projection of handle 30 would be received in head 12 parallel to such plane of head 12 and not perpendicular as recited in amended independent claims 1, 9 and 15.

Thus, Spirer fails to disclose each and every element of independent claim 9. Claim 9 is thus believed to be allowable over Spirer and allowance is respectfully requested.

Claim 14 depends from independent claim 9, and for at least the same reasons this claim is believed to be allowable and allowance is respectfully requested.

With respect to amended independent claim 15, the claim as amended recites that adjusting the longitudinal axis of the handle includes inserting a projection of a handle into a receiving portion of a relatively planar working end of a pry tool in a direction perpendicular to a plane of the working end, and not in a parallel direction as taught by Spirer.

As explained above with respect to independent claims 1 and 9, head 12 of Spirer is not planar. And, even if head 12 could be construed to be planar, the projection of handle 30 would be received in head 12 parallel to such plane of head 12, and not perpendicular as recited in independent claims 1, 9 and 15.

Thus, Spirer does not disclose each and every element of independent claim 15. Therefore, claim 15 is believed to be allowable over Spirer and allowance is respectfully requested.

Claims 17-19 and 21 depend from independent claim 15, and for at least the same reasons, these claims are believed to be allowable over Spirer and allowance is respectfully requested.

### **35 U.S.C. § 103**

Claims 4 and 11 are rejected under 35 U.S.C 103(a) as being unpatentable over Spirer. The rejections are respectfully traversed.

Claim 4 depends from amended independent claim 1. As discussed above, Spirer does not disclose each and every element of claim 1. Spirer's head 12 is not planar and the projection of the handle 30 is not received by the head 12 in a perpendicular direction to a plane, as is recited in independent claim 1. Therefore, Spirer does not disclose each and every element of dependent claim 4. Thus claim 4 is believed to be allowable over Spirer and allowance is respectfully requested.

Claim 11 depends from amended independent claim 9. As discussed above, Spirer does not disclose each and every element of independent claim 9. Spirer's head 12 is not


planar and the projection of the handle 30 is not received by the head 12 in a perpendicular direction to a plane, as is recited in independent claim 9. Therefore, Spirer fails to disclose each and every element of dependent claim 11. Thus, claim 11 is believed to be allowable and allowance is respectfully requested.

#### CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-9, 11-15 and 17-28 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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